

Prob 12 (10/09)  
VAE (rev. 5/17)

**UNITED STATES DISTRICT COURT**  
**for the**  
**EASTERN DISTRICT OF VIRGINIA**

U.S.A. vs. Brandon A. Benavides Docket No. 1:21-MJ-304

**Petition on Supervised Release**

COMES NOW Elissa F. Martins, PROBATION OFFICER OF THE COURT, presenting an official report upon the conduct and attitude of Brandon A. Benavides, who was placed on supervision by the Honorable Theresa C. Buchanan, United States Magistrate Judge, sitting in the Court at Alexandria, Virginia, on the 18<sup>th</sup> day of February, 2022, who fixed the period of supervision at six (6) months, and imposed the general terms and conditions heretofore adopted by the Court and also imposed special conditions and terms as follows:

-See Page 2-

**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:**

**See Attachment(s)**

**PRAYING THAT THE COURT WILL ORDER** a summons to be issued directing that the offender appear before the Court to show cause why supervision should not be revoked.

**Returnable Date:** 7-12-2022 @ 10:00 am

**ORDER OF COURT**

Considered and ordered this 24 day of June and ordered filed and made a part of the records in the above case.



Theresa Carroll Buchanan  
United States Magistrate Judge

I declare under the penalty of perjury that the foregoing is true and correct.

Executed on: June 24, 2022

*Elissa F. Martins*

Digitally signed by Elissa Martins  
Date: 2022.06.24 12:15:33 -04'00'

Elissa F. Martins  
Senior U.S. Probation Officer  
(703) 299-2309

Place Alexandria, Virginia

**TO CLERK'S OFFICE**

**Petition on Supervised Release**

**Page 2**

**RE: Benavides, Brandon A.**

**OFFENSE:** Driving Under the Influence.

**SENTENCE:** On February 18, 2022, the defendant appeared before Your Honor, on a violation hearing. Mr. Benavides was found in violation of his supervision and sentenced to sixty (60) days of incarceration, to be followed by six (6) months of supervised release. The following special conditions were imposed: 1) the defendant shall immediately, upon release from incarceration, enter a residential drug treatment program at the direction of the probation officer; 2) upon completion of the residential drug treatment program, the defendant shall reside at a sober living facility at the direction of the probation officer; 3) the defendant shall enter and complete an alcohol education and/or treatment program at the direction of the probation officer; 4) for the six (6) months of supervision the defendant may NOT operate a motor vehicle at all, for any reason; 5) the defendant shall be placed on Remote Alcohol Testing at the direction of the probation officer; 6) the defendant shall undergo substance abuse testing and/or treatment at the direction of the probation officer; and 7) the defendant shall pay a \$500.00 fine and a \$25.00 special assessment fee, to be paid before supervision ends.

**ADJUSTMENT TO SUPERVISION:** The defendant's term of supervised release commenced on April 18, 2022. Mr. Benavides' adjustment to supervision has fluctuated over time. Aside from the violations outlined in this petition, the defendant's overall compliance has improved during this new term of supervision. The defendant has not yet paid the court ordered fine and fees, but has agreed to set up a payment plan with the probation office.

Upon release from incarceration, Mr. Benavides entered the residential treatment program at National Capital Treatment and Recovery (NCTR) on April 19, 2022, and successfully completed the program on June 3, 2022. At that time, Mr. Benavides moved into an Oxford House in Alexandria, Virginia, where he remains at this time.

Upon completion of residential treatment with NCTR, Mr. Benavides was referred to National Counseling Group for outpatient substance abuse treatment. The defendant was recommended to participate in group therapy twice per week and individual therapy once per week. The treatment provider reports he is engaged and participates in services.

On May 10, 2022, the defendant was again enrolled in the Remote Alcohol Testing program. As outlined below, he continues to struggle with program requirements.

On June 10, 2022, the defendant began employment as a landscape maintenance laborer with Cutter Landscapes, Inc.

**VIOLATIONS:** The following violations are submitted for the Court's consideration.

**SPECIAL CONDITION 3: THE DEFENDANT SHALL BE PLACED ON REMOTE ALCOHOL TESTING AT THE DIRECTION OF THE PROBATION OFFICER.**

On May 10, 2022, Mr. Benavides was placed on the Remote Alcohol Testing (RAT) program through the probation office. The undersigned reviewed the program conditions, to which the defendant stated he understood and signed the contract. Mr. Benavides is required to submit four (4) breathalyzer tests per day which are scheduled for 7:00 a.m., 12:00 p.m., 5:00 p.m. and 10:00 p.m.

**Petition on Supervised Release**

**Page 3**

**RE: Benavides, Brandon A.**

Mr. Benavides missed alcohol tests and/or submitted late alcohol tests on the following dates:

- May 10, 2022: Missed test at 5:00 p.m. and submitted a late compliant test at 6:27 p.m.
- May 11, 2022: Missed test at 5:00 p.m. and submitted a late compliant test at 7:40 a.m.
- May 11, 2022: Missed test at 10:00 p.m. and submitted a late compliant test at 10:40 p.m.
- May 12, 2022: Missed test at 7:00 a.m. and submitted a late compliant test at 7:45 a.m.
- May 13, 2022: Missed test at 5:00 p.m. and submitted a late compliant test at 6:03 p.m.
- May 13, 2022: Missed test at 10:00 p.m. and submitted a late compliant test at 11:05 p.m.
- May 14, 2022: Missed test at 7:00 a.m. and submitted a late compliant test at 9:06 a.m.
- May 16, 2022: Missed test at 10:00 p.m. and submitted a late compliant test at 11:02 p.m.
- May 29, 2022: Missed test at 7:00 a.m. and submitted a late compliant test at 7:40 a.m.
- May 30, 2022: Missed test at 7:00 a.m. but submitted an early compliant test at 6:39 a.m.
- June 3, 2022: Missed test at 10:00 p.m. and failed to submit a subsequent test.
- June 5, 2022: Missed test at 7:00 a.m. and submitted a late compliant test at 7:40 a.m.
- June 5, 2022: Missed test at 5:00 p.m. and submitted a late compliant test at 6:47 p.m.
- June 12, 2022: Missed test at 7:00 a.m. and failed to submit a subsequent test.
- June 18, 2022: Missed test at 7:00 a.m. and submitted a late compliant test at 7:58 a.m.

On June 16, 2022, Mr. Benavides submitted positive breathalyzer tests with a BAC of 0.031 at 9:48 p.m., a BAC of 0.028 at 10:09 p.m., 0.020 at 10:26 p.m. and 0.014 at 10:44 p.m.. The defendant denies alcohol use and stated he used mouthwash prior to administering the tests.

EFM/cdp/be